



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

LUC C. PIERRE-LOUIS
Assistant Corporation Counsel
phone: (212) 356-2663
fax: (212) 356-3509
lupierre@law.nyc.gov

December 22, 2022

BY ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street,
New York, NY 10007

ENDORSEMENT: Request DENIED. Counsel Luc C. Pierre-Louis is instructed to go to Courtroom 11C at 11 am or as soon thereafter the conference before Judge Wang has concluded. A telephone line will be made available to him for the conference. SO ORDERED.
Dated: 12/23/2022

Re: Thomas E. Smith v. The City of New York, et.al.,
21-cv-6833 (JGK)(SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendant City of New York ("Defendant City") in the above-referenced matter. Defendant City writes to respectfully request that the Court adjourn the telephonic conference scheduled for Thursday, January 5, 2023 at 11:00 a.m. due to a scheduling conflict. To the extent that the Court is inclined to grant an adjournment, Defendant City respectfully requests the telephonic conference be rescheduled to the afternoon of the same day or another time during the same week at the Court's convenience. While Plaintiff could not be reached, counsel for the Rite Aid co-defendants consent to this request.

By way of background, on December 15, 2022, the Court issued an Order directing the parties to appear for a telephonic status conference on Thursday, January 5, 2023, at 11:00 a.m. However, the undersigned is scheduled to appear before the Honorable Ona T. Wang for an in-person Status Conference on January 5, 2023, at 10:00 a.m., in the matter of Jason Smith v. P.O. Gutierrez, et al., 21 Civ. 6086 (RA)(OTW). In light of this scheduling conflict, Defendant City respectfully requests that the Court adjourn the 11:00 a.m. proceeding to the afternoon of the same day. Alternatively, defendants in this matter are also available on Tuesday, January 3, 2023 and Wednesday, January 4, 2023 for a telephonic conference.

Thank you for your consideration in this regard.

Respectfully submitted,

/s/Luc C. Pierre-Louis

Luc C. Pierre-Louis

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **VIA ECF & REGULAR MAIL**

Thomas E. Smith

Plaintiff Pro Se

219 East 97th Street

Apt. 14-D

New York, N.Y., 10029

(via Regular Mail)

Seth Brian Rubine

Counsel for Defendants Rite-Aid Pharmacy

(via ECF)

DECLARATION OF SERVICE

I, Luc C. Pierre-Louis, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on December 22, 2022, I mailed the document “**Adjournment Request**” to Thomas E. Smith, plaintiff *pro se* in the matter of Smith, 21-cv-6833 (JGK)(SDA), by depositing a copy of same, enclosed in a first class, postpaid properly addressed wrapper in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to plaintiff at the address set forth below, being the address designated by plaintiff for that purpose:

Thomas E. Smith
Plaintiff Pro Se
219 East 97th Street
Apt. 14-D
New York, N.Y., 10029

Dated: New York, New York
December 22, 2022

/s/Luc C. Pierre-Louis
Luc C. Pierre-Louis
Assistant Corporation Counsel
Special Federal Litigation Division